



CS-2021-4340

Bonner

FILED IN DISTRICT COURT

OKLAHOMA COUNTY

IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY
STATE OF OKLAHOMA

OCT 13 2021

CHRISTOPHER AVELLONE,

Plaintiff,

vs.

KELLY RAE BRISTOL,

Defendant.

RICK WARREN
COURT CLERK

CJ-2021-4340
Case No.

JURY TRIAL DEMANDED

PETITION

The Plaintiff, Christopher Avellone ("Avellone"), for his causes of action against the Defendant, Kelly Rae Bristol ("Bristol"), alleges and states as follows:

1. Avellone is an individual who resides in Orange County, California.
2. Upon information and belief, Bristol is an individual who resides in Oklahoma County, Oklahoma.
3. The court has jurisdiction over this matter pursuant to OKLA. CONST. art. 7, § 7 and OKLA. STAT. tit. 12, § 2004(F), and venue is proper in Oklahoma County pursuant to OKLA. STAT. tit. 12, § 139.
4. Avellone is an established computer game writer, having written games for blue-chip gaming franchises including *Star Wars*, *Fallout*, *Dungeons and Dragons*, and *Dying Light*. Avellone's more than twenty (20) year career writing computer games has been based in California. As part of his work, he attends conventions promoting computer games.
5. On August 30, 2012, the evening before the Atlanta convention "Dragon Con"¹ was scheduled to begin, Avellone met Karissa Barrows ("Barrows") for the first time.

¹ The "Dragon Con" convention is held yearly over Labor Day weekend in Atlanta, Georgia.



6. Barrows and Bristol are computer game fans and cosplayers² who frequent conventions promoting computer games that often involve cosplay contests. At these conventions, cosplayers connect and network amongst themselves and with computer game creators.

7. From their first meeting in August 2012 until September of 2014, Barrows made many public statements about enjoying her friendly relationship with Avellone, her desire to socialize with Avellone at conventions, and her admiration for Avellone.

8. Barrows sent direct messages to Avellone via Facebook.com from February 2013 to March 2014, arranging social outings, referencing their time together at Dragon Con 2012 in a positive light and hoping to recreate their time together, and networking.

9. At Dragon Con 2013, the year after they first met, Barrows attempted to matchmake Avellone with her close friend. The match was successful, and Avellone was casually involved with Barrows' friend for about one year. For purposes of this pleading, this woman is referred to as Avellone's "then-girlfriend," though their intimate relationship was casual and non-exclusive.

10. Avellone, his then-girlfriend, and Barrows all attended Dragon Con 2014. The three of them spent time together during the convention, including socializing.

11. Bristol is a friend of Avellone's then-girlfriend and Barrows.

12. Bristol attended Dragon Con 2014, which began on August 29, 2014 and ended on September 1, 2014.

² Cosplayer is a portmanteau of costume and player, meaning a person who wears costumes to represent characters from various entertainment media, primarily comics, animation, and computer games.

13. On or about September 1, 2014, Bristol participated in a public discussion by tweeting on Twitter.com with other people who were complaining of sexual harassment and assault that had occurred at Dragon Con. Avellone was not identified in or the subject of any of these tweets.

14. As part of this Twitter discussion, an individual identified as “Amber” publicly tweeted under the handle “@ElementalAmber” that her friend “got boob-grabbed in a crowd.”

15. In reply to “Amber,” Bristol publicly tweeted on September 1, 2014, ***“that stuff hasn’t happened to me. As I told J, I’m fat & that’s kryptonite to the frat boy element that’s here.”*** (emphasis added).

16. On or about June 17, 2020, the San Francisco-based video game and entertainment website IGN.com published an interview with Avellone and another female game writer about their work on role playing computer games. (*Two Veteran Game Writers’ Recipe for a Great RPG*, IGN (June 17, 2020) <https://www.ign.com/articles/chris-avellone-and-emily-grace-buck-discuss-the-recipe-for-a-great-rpg>).

17. On June 18, 2020, Barrows publicly replied to a tweet posted by IGN promoting the interview, posting on Twitter:

ZERO interest in anything from a man who spent so much time preying on young women (no age check), getting them drunk & taking them to hotel rooms, showing up to panels late & wasted if at all, & treating fans/fellow industry SO badly, he was blacklisted from at least 1 big con[vention].

(Capitalization original, emphasis added).

18. These statements were made about Avellone, and they are false and libelous on their face.

19. Between June 18, 2020 and June 20, 2020, Barrows continued publicly tweeting false and libelous statements about Avellone, including but not limited to, to the following:

A. On or about June 19, 2020, Barrows posted a picture of her comment to IGN's tweet promoting Avellone's interview on Twitter.com and posted the tweet:

While we're at it, *here's another man to add to the gaming industry predator garbage pile.* Yesterday was the first time I said something publicly about this, and I'm done being silent, despite the fuckstick in the reply telling me to shut up. I WILL NOT. Thread:

(Capitalization original, emphasis added).

B. On or about June 19, 2020, Barrows continued her thread on Twitter.com, posting in a series of continuous tweets:

I witnessed, and experienced, his [Avellone's] behavior firsthand. *He got me blackout drunk on Midori Sours (on the company dime).* He and two friends somehow got me back to my room, where he pounced in front of the other guys. They left after a few moments (also drunk), and one of them--told me what he had witnessed the next evening I had very vague impressions that someone had made out with me when I woke up that morning, but thought it was a dream. When I asked Chris about it, he told me that I had eventually refused him. When more of the night came back-

-to me, I realized *the ONLY reason I was able to refuse him in my blackout stupor was because I was on my period that weekend. The ONLY reason.* (The shame society places on menstruation actually came in handy for once, smdh.) *Other nights, I watched him do the same to-*

-other girls, some of whom looked FAR younger than me in my late 20s (at the time, and I have always looked young for my age). He would disappear with one or another, come back, then come back to me. The entire con[vention]. I did not get drunk with him again, and he was a gentleman-

-about my refusals, including the one where I was drunk off my ass, and when he escorted me to the subway station at 4:30am the morning I left to go home. That kind of behavior is what not only kept me in denial about what was actually going on, but drove me to introduce him to-

-one of my best friends, who then endured over a year of heartache, gaslighting, and emotional abuse at his hands. It was much easier to see then, and ALL of us who knew what was going on told her to get out. Eventually, she did, but not before he raged out of a restaurant-

-drunk as fuck (as usual), leaving her behind, after which point she wandered the downtown streets of a major convention city late at night, ALONE, looking for him because she was worried he would get hurt due to how drunk he was. This was my breaking point.

I went to two men I worked with at this convention and reported the situation. Interestingly enough, they were already discussing his terrible behavior when I found them together to report it. With my testimony added, he was blacklisted right then and there.

His behavior didn't stop, though. If anything, it got worse. It took years for his employer to finally fire him (I honestly don't recall the exact reason he was given, it was a while ago and I wasn't there personally - this was relayed to me by a friend who also worked there).

He moved to other studios. Other projects. Other conventions until they stopped inviting him on their own accord (whether due to behavior or relevance, I don't know). I pushed him out of my memory, as did my dear friends, and we only discussed our anger and disgust if he-

-happened to come up. I've said something to some friends in journalism if he came up. Emily [the other game writer featured in the IGN interview] reached out to me after seeing my tweet to apologize. For what, I asked her? [sic] She didn't know what he was like and carried no fault in this. Most didn't know unless they saw it.

Still no one said anything except in closed circles. *I* didn't say anything except in closed circles to warn people about his behavior. I have no idea if he's remotely better than he was then, but given how protected he's been from true consequences for his actions, I doubt it.

The actions I witnessed myself occurred between 2013 and 2015. Those I was told by friends who remained around him occurred up until 2017 or 2018. This was recent. Who knows how long it had been occurring before then; ***he was clearly no stranger to doing this when I met him.***

I didn't bother blowing this up until today due to work being insane all week, but I've got time now. ***Chris Avellone is an abusive, abrasive, conniving sexual predator.*** People tried to get him help. He refused it and continued. Stop glorifying him.

(Capitalization original, emphasis added).

C. On or about June 20, 2020, Barrows continued her Twitter.com thread of the previous date, tweeting:

Hey Avellone, since I know you've seen this now, spare us all the lies and the non-apologies. Either fess up to what you did to countless women and ACTUALLY apologize and atone, or shut the entire fuck up. And I didn't name certain entities FOR A FUCKING REASON.

And yeah, I do hate you, Avellone. ***You assaulted & abused my friends.*** You made life hell for dozens of fellow industry. You've abused "star" power to victimize women. You're playing this weak ass victim card for sympathy points now that's [sic] your secret's out. GTFO with that shit.

20. These tweets include numerous statements about Avellone that are false and libelous on their face.

21. The reader would reasonably understand these statements to be about Avellone and to mean that Avellone sexually assaulted Barrows; that Avellone is a habitual "sexual predator" who targets young women, including women that are under the age of consent, for non-consensual sexual contact; that Avellone forces women to become intoxicated against their will, misappropriating funds of his employer for this purpose; and that Avellone was terminated from his employment.

22. On or about June 20, 2020, Bristol, under the handle "@GlitterBroker," using the alias "Kelly / Stabitha" publicly retweeted, reposted or otherwise caused to be republished one or more of Barrows' false and libelous statements about Avellone.

23. Also on or about June 20, 2020, Bristol publicly posted a response to Barrows' tweets on Twitter.com, stating:

I've never admitted this on main, but ***he [Avellone] groped me repeatedly at D*C [Dragon Con] 2014, by Pulse. Every time you or his gf weren't looking, his hand was on my ass & he was trying to get me to go to his room.*** I told him I don't fuck my friends' boyfriends & to stay the fuck away from me...

I swear he ONLY stopped when Scott gave him the dirtiest look I've ever seen. He was ready to turn Avellone into paste.

And I somehow came away from that feeling like I'd done something to bring it on.

I shook his hand when we were introduced. That's it. That's all it took.

Subsequently, Barrows replied:

Ugh god. I am SO sorry you all had to deal with that shit. And I'm so angry I didn't even see it.

To which Bristol replied:

He [Avellone] knew exactly what he was doing. You didn't see it because he was just that practiced at it. And I was so shocked that I froze. (I hate that freezing is my response to shit like this.)

(Capitalization original, emphasis added).

24. On June 22, 2020, Bristol publicly posted the following tweet on Twitter.com:

Sorry I didn't have 360 degree cameras trained on my body, nor in-ear mics set to record ***every foul word he [Avellone] whispered in my ear.*** I'll be sure to have all that on me the next time I set out to be ***assaulted*** for the crime of being a woman.

(Emphasis added).

25. On June 22, 2020, as a result of the statements published by Barrows and Bristol, Gato Salvaje Studio issued the following statement:

Chris Avellone is no longer associated with Gato Salvaje Studio or The Waylanders project. Chris was brought on as a design contractor on The Waylanders. As of last week, Chris's contract is complete and the content provided will be assessed as development progresses. Studio Gato Salvaje and The Waylanders team take matters of abusive and predatory behavior very seriously, and we stand against the kind of behavior that was alleged to have happened in the stories shared over the weekend.

(*Two Veteran Game Writers' Recipe for a Great RPG*, IGN (June 17, 2020)).³

26. On June 22, 2020, the online magazine Gamasutra published an article that included the following statements by Techland, S.A., developer of the *Dying Light* franchise of computer games, as a result of the statements published by Barrows and Bristol:

"We take matters of sexual harassment and disrespect with utmost care, and have no tolerance for such behaviors - it applies to both our employees as well as

³ <https://www.ign.com/articles/chris-avellone-and-emily-grace-buck-discuss-the-recipe-for-a-great-rpg>.

external consultants, Chris among them,” a company spokesperson told Gamasutra.

* * * *

“This is why, together with Chris Avellone, we’ve decided to end our cooperation. We are still working towards delivering the experience we promised in *Dying Light 2*. Both our narrative team, which Chris supported, and the whole development team of *Dying Light 2* continue progressing efficiently, according to the plan revised at the beginning of the year.”

(Chris Kerr, *Dying Light 2* writer Chris Avellone accused of sexual assault and harassment, Gamasutra (June 22, 2020)).⁴

27. On or about June 23, 2020, Bristol publicly posted the following to Reddit.com, using the handle “GlitterBroker”:

As for my thoughts on Avellone? He’s a sick man. I hope he gets help. But what happens to **his or any other predator’s** career is on them, not their victims. Companies are letting him go because he is a liability. **Predatory behavior** drives talented people away every day, and causes internal strife within teams. No level of talent is worth that, and I’d argue that it negates any talent a person has. His “storied career” is NOT more important to the industry than the careers, talents, and well-being of the people he’s harmed.

(Capitalization original, emphasis added).

28. These statements about Avellone are false and libelous on their face.

29. On June 29, 2020, Business Insider magazine published an article reporting on video game company Electronic Arts Inc.’s reaction to Barrows’ and Bristol’s false accusations:

“We take all allegations of harassment and abuse very seriously,” a statement from EA sent to Business Insider said. “And the recent reports that have surfaced are very concerning. EA has no plans to work with Chris Avellone moving forward.

(Ben Gilbert, *Following sexual assault allegations, EA is cutting ties with the acclaimed video game writer who worked on the latest ‘Star Wars’ game*, Business Insider (June 29, 2020)).⁵

⁴ https://www.gamasutra.com/view/news/365244/Dying_Light_2_writer_Chris_Avellone_accused_of_sexual_assault_and_harassment.php.

⁵ <https://www.businessinsider.com/after-sexual-assault-allegations-ea-cuts-ties-chris-avellone-2020-6>.

30. On October 14, 2020, Avellone discovered that Bristol had published these various false and libelous statements about him.

31. On June 16, 2021, Avellone filed an action in the Superior Court of the State of California in the County of Los Angeles against Barrows and Bristol (Case No. 21STCV22573), asserting claims for libel per se against both of them.

32. On July 19, 2021, Barrows and Bristol filed a motion in the California case seeking, *inter alia*, an order quashing service of summons for lack of personal jurisdiction.

33. On September 16, 2021, the California court entered an order denying the motion to quash as to Barrows, but granting the motion to quash as to Bristol.

FIRST CAUSE OF ACTION

LIBEL PER SE

34. Avellone realleges and incorporates by reference the allegations in Paragraphs 1 through 33.

35. Bristol publicly published statements on social media about Avellone that, on their face, exposed him to public hatred, contempt, ridicule or obloquy; deprived him of public confidence; and injured him in his occupation, all without the necessity of explanatory matter.

36. The reader would reasonably understand Bristol's statements to be about Avellone and to mean that Avellone sexually assaulted Bristol and that Avellone is a sexual "predator" in that he has a practice of repeatedly subjecting women to non-consensual sexual contact.

37. Bristol's statements were, and are, entirely false. Avellone has never sexually assaulted Bristol, and is not a sexual "predator."

38. Bristol failed to use reasonable care to determine the truth or falsity of her statements and the statements of Barrows that Bristol republished.

39. Bristol's libelous statements about Avellone were entirely fabricated and are belied by her own previous statements made contemporaneously with Dragon Con 2014, and Bristol's previous statement of "that stuff hasn't happened to me" is corroborated by two witnesses who were at Dragon Con 2014 and refute Bristol's libelous statements about Avellone.

40. Bristol's statements were disseminated to the public with the intent of harming Avellone's reputation.

41. The statements were made by Bristol with actual malice in that they were made with knowledge of their falsity or with reckless disregard as to whether they were true or false.

42. Bristol's statements about Avellone were unprivileged publications.

43. Bristol's statements about Avellone constitute libel per se.

44. As a result of Bristol's libelous statements, Avellone has suffered, and continues to suffer, significant reputational harm.

45. As a result of Bristol's libelous statements, Avellone has lost and continues to lose employment, contractual relationships and business opportunities.

46. Avellone has suffered, and continues to suffer, emotional distress and mental anguish because of Bristol's libelous statements.

47. Avellone has been damaged by Bristol's false and libelous statements in an amount to be proved at trial.

SECOND CAUSE OF ACTION

FALSE LIGHT – INVASION OF PRIVACY

48. Avellone realleges and incorporates by reference the allegations in Paragraphs 1 through 47.

49. Bristol published statements on the internet related to Avellone and, in the course of doing so, made particular, specific and serious unfounded allegations against Avellone.

50. Bristol's statements were published in response to or in connection with the false statements that Barrows posted about Avellone with the intent to corroborate or substantiate Barrows' statements.

51. Bristol had personal knowledge of facts that would have caused any reasonable person to doubt the veracity and accuracy of Barrows' allegations against Avellone.

52. Bristol's statements were publicly distributed on multiple well-known social media websites.

53. Bristol's statements were false, lacked factual basis, and were published with actual malice in that they were made with knowledge of their falsity or with reckless disregard as to whether they were true or false.

54. As a result of Bristol's false statements about Avellone, the general public throughout the world was made to see Avellone **in a false light** – as one who is guilty of criminal sexual misconduct.

55. Bristol knowingly, purposefully and intentionally published false allegations against Avellone knowing that, in doing so, the general public would have a negative perception of Avellone.

56. Given the gravity of Bristol's false, defamatory and malicious statements about Avellone and the resultant serious damage to his reputation and standing in the community, any reasonable person would have found Bristol's allegations to be highly offensive.

57. As a result of Bristol's false statements, Avellone has suffered, and continues to suffer, significant reputational harm.

58. As a result of Bristol's false statements, Avellone has lost and continues to lose employment, contractual and business opportunities.

59. Avellone has suffered, and continues to suffer, emotional distress and mental anguish because of Bristol's false statements.

60. Avellone has been damaged by Bristol's false statements in an amount to be proved at trial.

THIRD CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

61. Avellone realleges and incorporates by reference the allegations in Paragraphs 1 through 60.

62. Bristol acted in an intentional or reckless manner when she published false and misleading statements about Avellone.

63. Bristol's actions were so extreme and outrageous that they went beyond all bounds of decency and are considered atrocious and utterly intolerable in a civilized society.

64. Bristol's actions caused Avellone emotional distress, including, without limitation, mental anguish, emotional pain and suffering, humiliation, embarrassment, anger, chagrin and worry.

65. The emotional distress suffered by Avellone has been, and continues to be, so severe as to go beyond that which a reasonable person could be expected to endure.

66. Avellone is entitled to damages for Bristol intentionally inflicting emotional distress on him in an amount to be proved at trial.

FOURTH CAUSE OF ACTION

TORTIOUS INTERFERENCE WITH CONTRACTUAL AND BUSINESS RELATIONSHIPS

67. Avellone realleges and incorporates by reference the allegations in Paragraphs 1 through 66.

68. Avellone had contractual and business relationships with certain third parties, including, but not limited to, Gato Salvaje Studio, Techland and Electronic Arts, at the time of Bristol's publication of false and libelous statements about Avellone.

69. Bristol knew or under the circumstances reasonably should have known about Avellone's contractual and business relationships.

70. By publishing false and libelous statements about Avellone, Bristol maliciously and wrongfully interfered with Avellone's contractual and business relationships without justification, privilege or excuse.

71. Bristol intended to interfere with Avellone's contractual and business relationships.

72. As a proximate result of Bristol's interference, Avellone has suffered damages, specifically financial losses, in an amount to be proved at trial.

FIFTH CAUSE OF ACTION

TORTIOUS INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

73. Avellone realleges and incorporates by reference the allegations in Paragraphs 1 through 72.

74. Avellone had certain prospective economic opportunities and business relationships with third parties, including, but not limited to, Gato Salvaje Studio, Techland and Electronic Arts, at the time of Bristol's publication of false and libelous statements about Avellone.

75. Bristol knew or under the circumstances reasonably should have known about Avellone's prospective economic opportunities and business relationships.

76. By publishing false and libelous statements about Avellone, Bristol intentionally and improperly interfered with Avellone's prospective economic opportunities and business relationships.

77. Bristol purposefully interfered with Avellone's prospective economic opportunities and business relationships by inducing or causing third parties to not enter into prospective relationships with Avellone, or by preventing Avellone from realizing or acquiring prospective opportunities and relationships.

78. As a proximate result of Bristol's interference, Avellone has suffered damages, specifically financial losses, in an amount to be proved at trial.

SIXTH CAUSE OF ACTION
PUNITIVE OR EXEMPLARY DAMAGES

79. Avellone realleges and incorporates by reference the allegations in Paragraphs 1 through 78.

80. Bristol's actions demonstrate that she engaged in conduct and/or practices evincing malice and/or reckless disregard to Avellone's rights.

81. As a direct result of Bristol's malice and/or reckless disregard, Avellone is entitled to exemplary and punitive damages in an amount to be determined at trial in accordance with OKLA. STAT. tit. 23, § 9.1, and that is commensurate with the financial resources available to Bristol and sufficient to deter others similarly situated from engaging in like behavior.

DEMAND FOR JURY TRIAL

82. Avellone hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Avellone respectfully prays that the court grant judgment in his favor and against Bristol on all causes of action alleged herein in an amount in excess of the amount

required for diversity jurisdiction for actual damages, presumed damages, compensatory damages and special damages, plus an additional amount for exemplary and punitive damages, along with attorney's fees, costs, pre-judgment and post-judgment interest, equitable or injunctive relief, and such other relief as the court deems just and appropriate.

Respectfully submitted,



Eric D. Wade, OBA No. 19249
ROSENSTEIN FIST & RINGOLD
525 South Main, Suite 700
Tulsa, Oklahoma 74103-4508
(918) 585-9211 (Telephone)
(918) 583-5617 (Facsimile)
ericw@rflaw.com

ATTORNEYS FOR PLAINTIFF
CHRISTOPHER AVELLONE

AFFIDAVIT AND VERIFICATION

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Christopher Avellone, of lawful age and being first duly sworn upon oath, hereby swear or affirm as follows:

1. I have personal knowledge of the facts and matters stated herein and could testify to them if called to do so.

2. I have read the above and foregoing Petition against Defendant Kelly Bristol.

3. The facts and matters set forth therein are true and correct to the best of my knowledge and belief.

4. Further your Affiant saith not.

DONE this 13th day of October, 2021.


CHRISTOPHER AVELLONE

SUBSCRIBED and SWORN to before me this 13th day of October, 2021.

Notary Public

My Commission Expires:

[SEAL]

CALIFORNIA JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF Orange }

Subscribed and sworn to (or affirmed) before me on this 13th day of October, 2021
Date Month Year

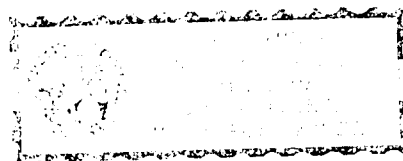
by Christopher Avellana

Name of Signers

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature: _____

Signature of Notary Public



Seal
Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent attachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Affidavit and Verification

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____